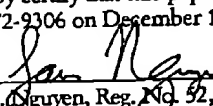


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Sam L. Nguyen, Reg. No. 52,496

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Prasad V.V.S.V. Mancham et al : Confirmation No. 1824

App. No.: 09/977,059 : Art Unit: 1617

Filed: October 11, 2001 : Examiner: Mojdeh Bahar

For: Insulin Receptor Activators for the Treatment of Metabolic Disorders Induced by Treatment with HIV Protease Inhibitors

Mail Stop RCE  
Commissioner for Patents  
PO Box 1450  
Alexandria VA 22313-1450

Sir:

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE  
PATENTING REJECTION OVER PRIOR PATENT**

The owner, Telik, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,458,998. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns\*.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently

shortened by any terminal disclaimer, in the event that either later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or is terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any way terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney of record.

Telik, Inc.  
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Palo Alto, CA 94304

By: Sam Nguyen  
Sam I. Nguyen  
Attorney of Record

Date: December 17, 2003

\* PTO suggested wording for terminal disclaimer (MPEP §1490) was used unchanged except for reference to the prior patent.

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